

REMARKS

Applicant submitted a Request for Corrected Filing Receipt on December 1, 2004. A copy of the Auto-Reply Facsimile Transmission indicating receipt of the Request by the USPTO is attached (Attachment A). Applicant has not yet received a corrected Filing Receipt. Applicant respectfully requests that a copy of a corrected Filing Receipt be forwarded to Applicant indicating acknowledgement of Applicant's claim of priority.

The specification has been amended to correct typographical errors.

Claims 6-46 have been canceled.

Claims 1-5, 47 and 48 remain pending in the application. Of these, claim 1 is currently amended.

Claims 1-5 are rejected under the doctrine of obviousness-type double patenting over all claims of U.S. Patent No. 6,083,260 (the '260 Patent). As requested by the Examiner, a copy of the second terminal disclaimer based on the '260 Patent, filed September 1, 2004, is submitted herewith (Attachment B).

Claims 1-5 are rejected under 35 U.S.C. §102(b) based on Rom et al. U.S. 5,746,709 (Rom '709) and Kolff et al. U.S. 5,306,295 (Kolff '295). Claim 1 has been amended in view of these rejections. Rom '709 discloses an intravascular pump and bypass assembly. The pump 40 is mounted within a lumen 42 of a catheter body 32. Fluid (i.e., blood) is drawn into the distal end 16 of the primary catheter 14 and into the pump through lumen 42 and is output from the pump 40 through lumen 42 into secondary catheter 20, supply catheter 24, and cannula 26, i.e., fluid flow into and out of pump 40 is in a single flow path. An inflatable balloon 34 is provided on the exterior surface of the catheter body 32. An inflation lumen 36, discrete from lumen 42, is fluidly connected to the balloon 34 to inflate the balloon through the application of fluid under pressure through the connector/valve 38 and lumen 36 (see col. 3, lines 5-15). There is no fluid communication between pump 40 and/or lumen 42 and inflation lumen 36. It is apparent that it would be undesirable to provide such fluid communication as blood is directed through lumen 42 and an inflation media is directed through lumen 36, as such communication would permit intermixing of the two different fluids. Kolff '295 discloses a ventricle assist device in which an interconnect means 40 defines a fluid flow path (i.e., for transfer of hydraulic fluid) between pumping chamber 26 and volume displacement chamber 25. Pump and drive motor 30 are located, at least in part, within displacement chamber 25 to transfer hydraulic fluid between the pumping and displacement

chambers 26 and 25. Fluid flow into and out of the pump and motor 30 is in a single flow path through interconnect means 40. The cited references do not teach or suggest, alone or in combination, a pump in which inner walls form a first passageway permitting fluid flow into the pump in a first direction and a second passageway formed between the inner walls and outer walls permits fluid flow output from the pump in the reverse direction, as defined by amended independent claim 1. Dependent claims 2-5, 47 and 48 further define the subject matter of claim 1 and therefore also believed to be allowable over the cited references.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1-5, 47 and 48 is respectfully requested.

Respectfully Submitted,

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Enclosures: Amendment Transmittal Letter
 Attachment A
 Attachment B
 Return Postcard